

## Chapter 13.12 URBAN RUNOFF

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### Sections:

- [13.12.010](#) Short title.
- [13.12.020](#) Purpose and intent.
- [13.12.030](#) Definitions.
- [13.12.040](#) Illicit discharges and connections.
- [13.12.050](#) Illicit disposal.
- [13.12.060](#) Construction sites requiring a building permit and/or grading plan.
- [13.12.070](#) Industrial site activity.
- [13.12.075](#) Standard Urban Stormwater Mitigation Plan (SUSMP) requirements.
- [13.12.080](#) Fees.
- [13.12.090](#) Civil remedies available.
- [13.12.100](#) Penalty for violation of chapter.

### 13.12.010 Short title.

This chapter shall be known, and may be cited, as the urban runoff ordinance of the city. (Ord. 489 § 1 (part), 1995).

### 13.12.020 Purpose and intent.

The purpose of this chapter is to protect the health, safety and general welfare of the citizens of the city by:

- (a) Regulating non-stormwater discharge to the municipal storm drain system;
- (b) Providing for the control of spillage, dumping or disposal of materials into the municipal storm drain system;

(c) Reducing pollutants in stormwater and urban runoff to the maximum extent practicable. (Ord. 572 § 1, 2002; Ord. 564 § 1, 2001; Ord. 489 § 1 (part), 1995).

### 13.12.030 Definitions.

Except as specifically provided herein, any term used in this chapter shall be defined as that term is defined in the current Municipal NPDES Permit, or as defined in the August 1999 version of the Standard Urban Stormwater Mitigation Plan (SUSMP), or if it is not specifically defined in either the Municipal NPDES Permit or the SUSMP, then as such term is defined in the Federal Clean Water Act, as amended, and/or the regulations promulgated thereunder. If the definition of any term contained in this section conflicts with the definition of the same term in the August 1999 version of the SUSMP, then the definition contained in the SUSMP shall govern. The following are definitions of terms used in this chapter:

"Automotive service facilities" means a facility that is categorized in any one of the following Standard Industrial Classification (SIC) codes: 5013, 5014, 5541, 5511, 7532-7534, or 7536-7539. For inspection purposes, permittees need not inspect facilities with SIC codes 5013, 5014, 5541, 5511; provided, that these facilities have no outside activities or materials that may be exposed to stormwater.

"Best management practices (BMPs)" means methods, measures, or practices designed and selected to reduce or eliminate the discharge of pollutants to surface waters from point and non-point source discharges including structural and nonstructural controls, and operation and maintenance procedures, which can be applied before, during and/or after pollution producing activities.

"Commercial development" means any development on private land that is not heavy industrial or residential. The category includes, but is not limited to: hospitals, laboratories and other medical facilities, education institutions, recreational facilities, plant nurseries, car wash facilities, mini-malls and other business complexes, shopping malls, hotels, office buildings, public warehouses and other light industrial complexes.

"Construction" means constructing, clearing, grading, or excavation that results in soil disturbance. Construction includes structure teardown. It does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of facility; emergency construction activities require to immediately protect public health and safety; interior construction activities require to immediately protect public health and safety; interior remodeling with no outside exposure of construction material or construction waste to stormwater; mechanical permit work; or sign permit work.

"Development" means any construction, rehabilitation, redevelopment or reconstruction of any public or private residential project (whether single-family, multi-unit development); industrial, commercial retail and other nonresidential projects, including public agency projects; or mass grading for future construction. It does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of facility, nor does it include emergency construction activities required to immediately protect public health and safety.

"Directly adjacent" means situated within two hundred feet of the contiguous zone required for the continued maintenance, function, and structural stability of the environmentally sensitive area.

"Director" means the director of a municipality and person(s) designated by and under the director's instruction and supervision.

"Discharge" means when used without qualification the "discharge of a pollutant."

"Discharging directly" means outflow from a drainage conveyance system that is composed entirely or predominantly of flows from the subject, property, development, subdivision, or industrial facility, and not commingled with the flows from adjacent lands.

"Discharge of a pollutant" means any addition of any "pollutant" or combination of pollutants to "waters of the United States" from any "point" source other than a vessel or other floating craft which is being used as a means of transportation. The term "discharge" includes additions of pollutants into waters of the United States from: surface runoff which is collected or channeled by man; discharges through pipes, sewers, or other conveyances owned by a state, municipality, or other person which do not lead to a treatment works; and discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works.

"Disturbed area" means an area that is altered as a result of clearing, grading, and/or excavation.

"Environmentally sensitive areas (ESAs)" means an area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which would be easily disturbed or degraded by human activities and developments (California Public Resources Code Section 30107.5). Areas subject to stormwater mitigation requirements are: areas designated as Significant Ecological Areas by the county of Los Angeles (Los Angeles County Significant Areas Study, Los Angeles County Department of Regional Planning (1976) and amendments); an area designated as a Significant Natural Area by the California Department of Fish and Games' Significant Natural Areas Program; provided, that area has been field verified by the Department of Fish and Game; an area listed in the Basin Plan as supporting the Rare, Threatened, or Endangered Species (RARE) beneficial use; and an area identified by a permittee as environmentally sensitive.

"Hillside" means property located in an area with known erosive soil conditions, where the development contemplates grading on any natural slope that is twenty-five percent or greater and where grading contemplates cut or fill slopes.

"Illicit connection" means any manmade conveyance that is connected to the storm drain system without a permit, excluding roof drains and other similar type connections. Examples include channels, pipelines, conduits, inlet, or outlets that are connected directly to the storm drain system.

"Illicit discharge" means any discharge to the storm drain system that is prohibited under local, state, or federal statutes, ordinance, codes, or regulations. The term illicit

discharge includes all non-stormwater discharges except discharges pursuant to an NPDES permit, discharges that are identified in Part 1, "Discharge Prohibitions" of this order, and discharges authorized by the Regional Board Executive Officer.

"Illicit disposal" means any disposal, either intentionally or unintentionally, of material(s) or wastes(s) that can pollute stormwater.

"Industrial/commercial facility" means any facility involved and/or used in the production, manufacture, storage, transportation, distribution, exchange or sale of goods and/or commodities, and any facility involved and/or used in providing professional and non-professional services. This category of facilities includes, but is not limited to, any facility defined by the Standard Industrial Classifications (SIC). Facility ownership (federal, state, municipal, private) and profit motive of the facility are not factors in this definition.

"Infiltration" means the downward entry of water into the surface of the soil.

"Inspection" means entry and the conduct of an on-site review of a facility and its operations, at reasonable times, to determine compliance with specific municipal or other legal requirements. The steps involved in performing an inspection, include, but are not limited to:

- (1) Pre-inspection documentation research;
- (2) Request for entry;
- (3) Interview of facility personnel;
- (4) Facility walk-through;
- (5) Visual observation of the condition of facility premises;
- (6) Examination and copying of records as required;
- (7) Sample collection (if necessary or required);
- (8) Exit conference (to discuss preliminary evaluation); and
- (9) Report preparation, and if appropriate, recommendations for coming into compliance.

"National Pollutant Discharge Elimination System (NPDES)" means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under CAW Sections 307, 402, 318, and 405. The term includes an "approved program."

"New development" means land disturbing activities; structural development, including construction or installation of a building or structure, creation of impervious surfaces; and land subdivision.

"Parking lot" means land area or facility for the parking or storage of motor vehicles used for business, commerce, industry, or personal use, with a lot size of five thousand square feet or more of surface area, or with twenty-five or more parking spaces.

"Planning priority projects" means those projects that are required to incorporate appropriate stormwater mitigation measures into the design plan for their respective project. These types of projects include:

- (1) Ten or more unit homes (includes single-family homes, multifamily homes, condominiums, and apartments);
- (2) A one hundred thousand or more square feet of impervious surface area industrial/commercial development (one acre starting March 2003);
- (3) Automotive service facilities (SIC 5013, 5014, 5541, 7532-7534, and 7536-7539);
- (4) Retail gasoline outlets;
- (5) Restaurants (SIC 5812);
- (6) Parking lots five thousand square feet or more of surface area or with twenty-five or more parking spaces.

"Pollutants" means those "pollutants" defined in CAW Section 502(6) (33 U.S.C. Section 1362(6)), and incorporated by reference into California Water Code Section 13373.

"Project" means all development, redevelopment, and land disturbing activities. The term is not limited to "project" as defined under CEQA (Pub. Resources Code Section 21065).

"Redevelopment" means land-disturbing activity that results in the creation, addition, or replacement of five thousand square feet or more of impervious surface area on an already developed site. Redevelopment includes, but is not limited to: the expansion of a building footprint; addition or replacement of a structure; replacement of impervious surface area that is not part of a routine maintenance activity; and land disturbing activities related to structural or impervious surfaces. It does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of facility, nor does it include emergency construction activities required to immediately protect public health and safety.

"Restaurant" means a facility that sells prepared foods and drinks for consumption, including stationary lunch counters and refreshment stands selling prepared foods and drinks for immediate consumption (SIC Code 5812).

"Retail gasoline outlet" means any facility engaged in selling gasoline and lubricating oils.

"Runoff" means any runoff including stormwater and dry weather flows from a drainage area that reaches a receiving water body or subsurface. During dry weather it is

typically comprised of base flow either contaminated with pollutants or uncontaminated, and nuisance flows.

"Site" means the land or water area where any facility or activity is physically located or conducted, including adjacent land used in connection with the facility or activity.

"Source control BMP" means any schedules of activities, prohibitions of practices, maintenance procedures, managerial practices or operational practices that aim to prevent stormwater pollution by reducing the potential for contamination at the source of pollution.

"Stormwater" means stormwater runoff, snowmelt runoff, and surface runoff and drainage.

"Structural BMP" means any structural facility designed and constructed to mitigate the adverse impacts of stormwater and urban runoff pollution (e.g. canopy, structural enclosure). The category may include both treatment Control BMPs and source control BMPs.

"SUSMP" means the Los Angeles Countywide Standard Urban Stormwater Mitigation Plan. The SUSMP shall address conditions and requirements of new development.

"Treatment" means the application of engineered systems that use physical, chemical, or biological processes to remove pollutants. Such processes include, but are not limited to, filtration, gravity settling, media absorption, biodegradation, biological uptake, chemical oxidation and UV radiation.

"Treatment control BMP" means any engineered system designed to remove pollutants by simple gravity settling of particulate pollutants, filtration, biological uptake, media absorption or any other physical, biological, or chemical process. (Ord. 572 § 2, 2002; Ord. 564 §§ 2, 3, 4, 2001; Ord. 489 § 1 (part), 1995).

#### 13.12.040 Illicit discharges and connections.

(a) No person or company shall cause or allow any discharge, from their property, of non-stormwater runoff to enter the storm drain system, unless such discharge is authorized by a NPDES permit or fully complies with a city-approved stormwater pollution prevention plan.

(b) No person or company shall construct or use an illicit connection that operates intentionally or unintentionally. (Ord. 489 § 1 (part), 1995).

#### 13.12.050 Illicit disposal.

No person or company shall spill, dump, dispose or place any material, other than stormwater runoff, into any storm drain system. (Ord. 489 § 1 (part), 1995).

#### 13.12.060 Construction sites requiring a building permit and/or grading plan.

(a) Any person or company engaging in construction activity that requires a NPDES construction permit must demonstrate possession of such permit before grading and/or building permits can be issued. The NPDES permit shall be retained on site and shall be shown to city officers or inspectors at their request.

(b) The following best management practices shall apply to all construction sites:

(1) All construction sites are inspected to detect and prevent erosion or runoff of waste building materials from leaving the site and entering the storm drainage system.

(2) Notification is presented to the construction site superintendent with information on construction site BMPs and attendant fines.

(3) Erosion control plans are required for all grading projects.

(4) Runoff, sediment and construction waste from construction sites and parking areas shall not leave the site.

(5) Any sediment or other materials which are tracked off the site shall be removed the same day as they are tracked off the site. Where determined necessary by the building official or his designated representative, a sediment barrier shall be installed.

(6) Excavated soil shall be located on the site in a manner that eliminates the possibility of sediments running into the street or adjoining properties. Soil piles shall be covered until the soil is either used or removed.

(7) No washing of construction or other industrial vehicles shall be allowed adjacent to a construction site. No runoff from washing vehicles on a construction site is allowed to leave the site. (Ord. 489 § 1 (part), 1995).

#### 13.12.070 Industrial site activity.

(a) All persons or companies engaged in industrial activity in the city shall acquire a NPDES industrial permit before discharging any non-stormwater runoff into the storm drain system. The NPDES permit shall be retained on site and shall be shown to city officers or inspectors at their request.

(b) The following best management practices shall apply to all industrial sites.

(1) Use soil erosion controls, enclose or cover building material storage areas, use good housekeeping practices.

(2) Label containers and exposed piping.

(3) Do not pour liquid waste to floor drains, sinks, outdoor storm drain inlets, and other storm drain connections.

(4) Clean leaks, drips and other spills with as little water as possible.

(5) Avoid hosing down the work area.

(6) Install safeguards against accidental releases, install secondary containment, conducting regular inspections, and train employees in standard operating procedures and spill cleanup techniques. (Ord. 489 § 1 (part), 1995).

13.12.075 Standard Urban Stormwater Mitigation Plan (SUSMP) requirements.

(a) Requirements for a Single-Family Hillside Home. A single-family hillside home shall:

- (1) Conserve natural areas;
- (2) Protect slopes and channels;
- (3) Provide storm drain system stenciling and signage;
- (4) Divert roof runoff to vegetated areas before discharge unless the diversion would result in slope instability; and
- (5) Direct surface flow to vegetated areas before discharge unless the diversion would result in slope instability.

(b) Projects Requiring a SUSMP. A SUSMP as approved by the Regional Board in Board Resolution No. R 00-02 is required for the following categories of developments:

- (1) Ten or more unit homes (includes single-family homes, multifamily homes, condominiums, and apartments);
- (2) A one hundred thousand or more square feet of impervious surface area industrial/commercial development;
- (3) Automotive service facilities (SIC 5013, 5014, 5541, 7532-7534, and 7536-7539);
- (4) Retail gasoline outlets;
- (5) Restaurants (SIC 5812);
- (6) Parking lots five thousand square feet or more of surface area or with twenty-five or more parking spaces; and
- (7) Redevelopment projects in subject categories that meet redevelopment thresholds.

(c) ESA Projects. A SUSMP is required of all projects located in or directly adjacent to or discharging to an ESA, where development will:

- (1) Discharge stormwater and urban runoff that is likely to impact a sensitive biological species or habitat; and
- (2) Create two thousand five hundred square feet or more of impervious surface area.

(d) Numerical Design Criteria. Post-Construction treatment control BMPs shall incorporate, at a minimum, either a volumetric or flow based treatment control design standard, or both, as identified below to mitigate (infiltrate, filter or treat) stormwater runoff:

(1) Volumetric Treatment Control BMP.

(A) The eighty-fifth percentile twenty-four-hour runoff event determined as the maximized capture stormwater volume for the area, from the formula recommended in Urban Runoff Quality Management, WEF Manual of Practice No. 23/ASCE Manual of Practice No. 87, (1998); or

(B) The volume of annual runoff based on a unit basin storage water quality volume, to achieve eighty percent or more volume treatment by the method recommended in California Stormwater Best Management Practices Handbook-Industrial Commercial, (1993); or

(C) The volume of runoff produced from a 0.75 inch storm event, prior to its discharge to a stormwater conveyance system; or

(D) The volume of runoff produced from a historical-record based reference twenty-four-hour rainfall criterion for "treatment" (0.75 inch average for the Los Angeles County area) that achieves approximately the same reduction in pollutant loads achieved by the eighty-fifth percentile twenty-four-hour runoff event.

(2) Flow Based Treatment Control BMP.

(A) The flow of runoff produced from a rain event equal to at least 0.2 inches per hour intensity; or

(B) The flow of runoff produced from a rain event equal to at least two times the eighty-fifth percentile hourly rainfall intensity for Los Angeles County; or

(C) The flow of runoff produced from a rain event that will result in treatment of the same portion of runoff as treated using volumetric standards above.

(e) Applicability of Numerical Design Criteria. The following categories of planning priority projects are required to design and implement post-construction treatment controls to mitigate stormwater pollution:

(1) Single-family hillside residential developments of one acre or more of surface area;

(2) Housing developments (includes single-family homes, multifamily homes, condominiums, and apartments) of ten units or more;

(3) A one hundred thousand square feet or more impervious surface area industrial/commercial development;

(4) Automotive service facilities (SIC 5013, 5014 5541, 7532-7534 and 7536-7539) [five thousand square feet or more of surface area];

(5) Retail gasoline outlets [five thousand square feet or more of impervious surface area and with projected average daily traffic (ADT) of one hundred or more vehicles]. Subsurface treatment control bumps which may endanger public safety (i.e. create an explosive environment) are considered not appropriate;

(6) Restaurants (SIC 5812) [five thousand square feet or more of surface area];

(7) Parking lots five thousand square feet or more of surface area or with twenty-five or more parking spaces;

(8) Projects located in, adjacent to or discharging directly to an ESA that meet threshold conditions identified above; and

(9) Redevelopment projects in subject categories that meet redevelopment thresholds.

(f) Site Specific Mitigation. The implementation of a site-specific plan to mitigate post-development stormwater for new development and redevelopment not requiring a SUSMP but which may potentially have adverse impacts on post-development stormwater quality is required, where one or more of the following project characteristics exist:

(1) Vehicle or equipment fueling areas;

(2) Vehicle or equipment maintenance areas, including washing and repair;

(3) Commercial or industrial waste handling or storage;

(4) Outdoor handling or storage of hazardous materials;

(5) Outdoor manufacturing areas;

(6) Outdoor food handling or processing;

(7) Outdoor animal care, confinement, or slaughter; or

(8) Outdoor horticulture activities.

(g) Redevelopment Projects. The SUSMP, or site specific requirements including post-construction stormwater mitigation shall be applied to all planning priority projects that undergo significant redevelopment in their respective categories.

(1) "Significant redevelopment" means land-disturbing activity that results in the creation or addition or replacement of five thousand square feet or more of impervious surface area on an already developed site. Where redevelopment results in an alteration to more than fifty percent of impervious surfaces of a previously existing development, and the existing development was not subject to post development stormwater quality control requirements, the entire project must be mitigated. Where redevelopment results in an alteration to less than fifty percent of impervious surfaces of a previously existing development, and the existing development was not subject to post development stormwater quality control requirements, only the alteration must be mitigated, and not the entire development.

(2) Redevelopment does not include routine maintenance activities that are conducted to maintain original line and grade, hydraulic capacity, original purpose of facility or emergency redevelopment activity require to protect public health and safety.

(3) Existing single-family structures are exempt from the redevelopment requirements.

(h) Maintenance Agreement and Transfer. All developments subject to SUSMP and site specific plan requirements shall provide verification of maintenance provisions for structural and treatment control BMPs, including but not limited to legal agreements, covenants, CEQA mitigation requirements, and or conditional use permits. Verification at a minimum shall include:

(1) The developers signed statement accepting responsibility for maintenance until the responsibility is legally transferred; and either

(2) A signed statement from the public entity assuming responsibility for structural or treatment control BMP maintenance and that it meets all local agency design standards; or

(3) Written conditions in the sales or lease agreement, which requires the recipient to assume responsibility for maintenance and conduct a maintenance inspection at least once a year; or

(4) Written text in project conditions, covenants and restrictions (CCRs) for residential properties as signing maintenance responsibilities to the home owners association for maintenance of the structural or treatment control BMPs; or

(5) Any other legally enforceable agreement that assigns responsibility for the maintenance of post-construction structural or treatment control BMPs.

(i) CEQA. Provisions of this section shall be complementary to, and shall not replace, any applicable requirements for stormwater mitigation required under the California Environmental Quality Act. (Ord. 572 § 3, 2002; Ord. 564 § 5, 2001).

#### 13.12.080 Fees.

Fees to be charged for plan checking, monitoring and any other activities carried out by the city under this chapter shall be set by the city council by resolution. (Ord. 489 § 1 (part), 1995).

#### 13.12.090 Civil remedies available.

Any condition caused or permitted to exist in violation of:

(a) Any of the provisions of this chapter; or

(b) Any failure to comply with any applicable requirement of either the SUSMP or an approved stormwater mitigation plan with respect to a property; or

(c) Any false certification or verification, or any failure to comply with a certification or verification provided by a project applicant or the applicant's successor in interest; or

(d) Any failure to properly operate and maintain any structural or treatment control BMP on a property in accordance with an approved stormwater mitigation plan or the SUSMP, is determined to be a threat to the public health, safety and welfare, is declared and deemed a public nuisance, and may be abated or restored by any authorized enforcement officer, and a civil or criminal action to abate, enjoin or otherwise compel the cessation of such nuisance may be brought by the city attorney. (Ord. 564 § 6, 2001; Ord. 489 § 1 (part), 1995).

#### 13.12.100 Penalty for violation of chapter.

It is unlawful for any person, firm, partnership or corporation to violate any provision or to fail to comply with any provision or to fail to comply with any of the requirements of this chapter. Any person, firm, partnership or corporation violating any provision of this chapter, failing to comply with any of its requirements, or with any permit issued hereunder, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding one thousand dollars, or by imprisonment not exceeding six months, or by both such fine and imprisonment. Each such person, firm, partnership or corporation shall be deemed guilty of a separate offense for each and every day or any portion thereof during which any such violation is committed, continued or permitted by such person, firm, partnership or corporation, and shall be deemed punishable therefor as provided in this chapter. (Ord. 489 § 1 (part), 1995).